

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States District Court  
Southern District of Texas

**ENTERED**

May 19, 2021

Nathan Ochsner, Clerk

ERIK GARCIA,

*Plaintiff,*

v.

HARI KRISHNA BUSINESS LLC,

*Defendant.*

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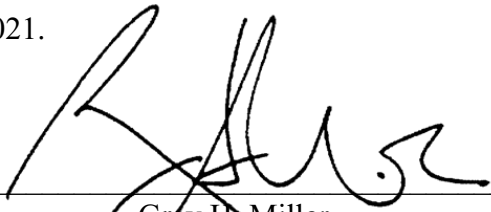
CIVIL ACTION H-20-2989

**ORDER**

Pending before the court is a request for court's default (Dkt. 8) filed by plaintiff Erik Garcia under Fed. R. Civ. P. 55(a). However, the court's procedures require that a party seeking a default judgment (1) file a motion for default judgment under Rule 55(b)(2); (2) follow Local Rule 5.5, which requires that the motion for default judgment be served on the defendant by certified mail, return receipt requested; and (3) comply with the Servicemembers Civil Relief Act. *See* Judge Miller's Procedures ¶ 6(E). Because plaintiff filed a request for clerk's entry of default under Rule 55(a) and not a motion for default judgment, the court STRIKES the request for failing to comply with the court's procedures.

A motion for default judgment shall be properly filed within twenty days of the date of this order.

Signed at Houston, Texas on May 19, 2021.

  
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Gray H. Miller  
United States District Judge